[04] What Trcka does disclose is the use of a network interface card in receive-only mode to passively capture all packets transferred over a network (Trcka, paragraph 36). This is analogous to a security camera capturing all customer transactions at a convenience store. Just as the security camera does not affect or interfere with store transactions, the packet captures do not affect or interfere with network traffic. This has the benefit that the capture process does not delay the throughput of the data (Trcka, paragraph 40).

[05] The Office Action cites Trcka, paragraph 41 that mentions optional filtering of some data packets. However, this filtering is not applied to packets on route to a request processor. Instead, this filtering is applied to the passively captured copies of packets on route to archival storage. A rough analogy might be discarding security camera video not containing any images of people to save archival storage space while retaining all the useful video images. In Trcka's case, some packets are just not worth saving or analyzing as they "have little or no value to the event reconstruction process" (Trcka, paragraph 41).

[06] The Office Action cites Trcka, paragraph 42, as teaching that the bad packets can be preserved temporarily in a cyclical recorder. This would seem to have some relationship to the queue of Claim 3. In both cases, items stored the longest are discarded in favor of more recently stored items. However, Trcka's cyclical recorder does not store HTTP requests that have been withheld from a request processor, but only copies of requests that presumably arrived at the request processor.

[07] The Office Action cites Trcka, paragraph 47 as disclosing that the packets can be HTTP packets. However, Trcka does not disclose that these can be incomplete HTTP requests as required by Claim 1. Furthermore, and once again, Trcka is referring to copies of packets that presumably arrived at a request processor unaffected by the capture, filter, and storage processes.

[08] The rejection of Claim 5 for anticipation by Trcka is similarly traversed. Trcka discloses a passive capture process that does not introduce delays in network traffic and does prevent network packets from reaching their destinations. Thus, Trcka does not withhold HTTP requests from a request processor.

[09] The Office Action rejects Claim 2, 3, 6 and 7 based on a combination of Trcka and U.S. Patent No. 6,823,380 to Nace et al., "Nace" herein. The obviousness rejections fail because neither Nace nor Trcka teach withholding incomplete HTTP requests from an HTTP processor.

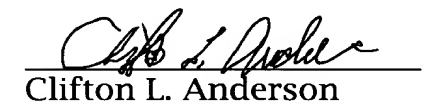
[10] The Office Action relies on Nace for disclosure of a deferral manager, but Nace does not disclose a deferral manager. In the art, "deferral" refers to a rejection with an invitation to resubmit, e.g., an HTTP request. Nace simply teaches scheduling that can result in delays but not deferrals. Furthermore, Nace does not teach "withholding" requests, as scheduling generation of a request is not the same as withholding it.

[11] Moreover, there is no motive for combining Nace and Trcka. Trcka is designed to analyze "real" network traffic, while Nace basically generates dummy traffic that is pre-characterized. It is not clear what either reference would add to the other as Nace is used during testing and Trcka is used during normal operation. It should also be noted that Nace does not disclose generation of incomplete requests. Accordingly, the obviousness rejections are traversed for the several reasons stated above.

[12] CONLUSION

[13] Neither of the cited references discloses withholding incomplete HTTP requests from a request processor. Thus, the invention is not anticipated by either reference and is not render obvious by combining the references. Accordingly, Applicant respectfully requests allowance of the application in its current form.

Respectfully submitted



Clifton L. Anderson
Reg. No. 30,989
(408) 245-0820